

RESOLUTION NO. RS2018-1111 (ALLEN) – This resolution would authorize the employment of Burch, Porter & Johnson, PLLC (BPJ) as Special Counsel to the Metropolitan Council and would further authorize compensation for services rendered.

The Council is authorized to conduct investigations pursuant to the Metro Charter Sec. 3.06. Sec. 8.607 of the Metro Charter provides that the Council may, by resolution, authorize the Vice Mayor to employ legal counsel who shall be paid compensation for services as the Council determines as reasonable. Resolution No. RS2018-1039 established a Special Committee to investigate the circumstances potentially related to former Mayor Megan Barry's admitted improprieties involving an employee of Metro to determine if there was improper use of public money and authorized the Special Committee to engage the services of outside legal professionals.

The resolution under consideration would authorize the hiring of BPJ to act as counsel to the Special Committee and Vice Mayor subject to conditions. The individual hourly rates for professional services provided by BPJ could not exceed \$395 and would not apply to travel time. BPJ would also be limited to spending 15 hours of billable time for this engagement, unless the Special Committee expressly authorizes additional hours. BPJ would be required to undertake all necessary and standard precautions within the legal profession to prevent disclosure of information to those who may have a conflict of interest or who otherwise have contacts with the Metro Government. Invoices, statements, or billings for professional services would be submitted on a monthly basis to the Director of the Council Office and would be subject to approval by resolution of Council prior to payment.

The Council Office would note that, following pleas entered by then-Mayor Megan Barry and Sgt. Rob Forrest, BPJ has proposed that the services of their firm in this investigation be provided by a single member of the originally proposed team -- attorney Jennifer Hagerman. BPJ has further acknowledged their participation as co-counsel for plaintiffs in a personal injury lawsuit against the Metropolitan Government. However, the Council Office would not consider this claim to constitute a disqualifying conflict of interest.